

## **REMARKS**

### **Claim Amendments**

Applicant has withdrawn claim 43, without prejudice. Applicant has amended claims 21 and 42 to correct a typographical error and to accurately correspond them to the dependent claims. None of the claim amendments constitutes new matter. Claims 1-42 are now pending in this application.

### **The Restriction Requirement**

The Examiner has required restriction of the subject matter in the claims of this application under 35 U.S.C. §121. Specifically, the Examiner states that the inventions of Groups 1-51 are drawn to different focused libraries, in which variegated DNA sequences encode different polypeptides of different amino acid sequences. The Examiner states that each of the Groups comprise distinct inventions which are not disclosed as capable of use together and they are said to have different modes of operations, different functions, or different effects. Applicant traverses. The focused libraries are plainly capable of use together and have the same modes of operation. Reconsideration is requested.

Notwithstanding this traversal, applicant elects the claims of Group 50 (claims 21 and 42) for examination in this application. The elected Group is drawn to pending claims 1-42. This election is specifically without prejudice to applicant's right to seek patents on the non-elected subject matter of the claims of Groups 1-49 and 51 in this application, or permissible rejoinder or otherwise, or in applications claiming benefit from it.



*The Election Requirement*

The Examiner states that a further election of a single species of nucleic sequence is required if one of Group 1 through 34 is elected. In the context of Group 50, the Examiner also requires applicant to select one combination of nucleic acid sequences, which encode one single amino acid sequence for each of heavy chain and light chain CDR.

Applicant traverses.

In an April 22, 2005 telephone conference with the Examiner, applicant's attorney explained why a single amino acid sequence should not have to be selected for in a claim that is directed to a focused library of vectors or genetic packages, as referred to in claim 21. Likewise, a single amino acid sequence also should not have to be selected for in a claim that is directed to a population of variegated DNA sequences, as referred to in claim 42. A library of vectors or genetic packages and a population of DNA sequences necessarily comprise more than one amino acid sequence for each of the recited heavy chain and light chain CDRs. It is inherent in applicant's teaching that both the library and the population of variegated DNA sequences comprise a diversity of sequences. As taught on page 1, lines 13-14, the focused diversity of the libraries of this invention comprises both sequence diversity and length diversity. Typically, each member of the library differs from the other members of the family by having different amino acids or variegation at a given position in the peptide, polypeptide or protein chain. *See*, page 2, line 30 to page 3, line 1 of the specification. An election of a single amino acid sequence for each of the recited CDRs seems to be counter-intuitive to a claim to a library of various sequences. Examiner Ponnaluri said that she would reconsider the species



election upon more substantive review of the elected Group. She also said that it would be helpful to her to make the election of amino acid sequences at this time.

Therefore, for this response to be complete, applicant has made the required elections for the purpose of search only.

1) kappa light chain CDR1: SEQ ID NO:14, wherein <1> is alanine (A); <2> is serine (S); and <3> is tyrosine (Y).

2) kappa light chain CDR2: <1>AS<2>R<4><1>, wherein <1> is alanine (A); <2> is serine (S); and <4> is alanine (A).

3) kappa light chain CDR3: SEQ ID NO:16, wherein <1> is alanine (A); and <3> is tyrosine (Y).

4) lambda light chain CDR1: SEQ ID NO:18, wherein <1> is threonine (T); <2> is aspartic acid (D); and <3> is tyrosine (Y).

5) lambda light chain CDR2: <4><4><4><2>RPS, wherein <2> is aspartic acid (D); and <4> is alanine (A).

6) lambda light chain CDR3: SEQ ID NO:19, wherein <1> is alanine (A); <4> is alanine (A); and <5> is alanine (A).

7) heavy chain CDR1: <1><sub>1</sub>Y<1><sub>2</sub>M<1><sub>3</sub>M<1><sub>4</sub>, wherein <1> is alanine (A).

8) heavy chain CDR2: SEQ ID NO: 2, wherein <1> is alanine (A); <2> is tyrosine (Y); and <3> is proline (P).

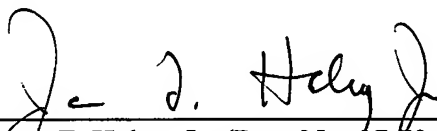


9) heavy chain CDR3: SEQ ID NO:8, wherein 1 is glycine (G); and 2 is lysine (L).

**CONCLUSION**

In view of the foregoing, applicant requests reconsideration of the election/restriction requirement and allowance of the claims of Group 50.

Respectfully submitted,

  
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James F. Haley, Jr. (Reg. No. 27,794)  
Attorney for Applicants

c/o Fish & Neave IP Group  
ROPES & GRAY LLP  
Customer No. 1473  
1251 Avenue of the Americas  
New York, New York 10020-1105  
Tel.: (212) 596-9000  
Fax.: (212) 596-9090